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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,035	07/09/2003	Van Kirk Fehr	10.277.002	3870

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/22/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/615,035	FEHR, VAN KIRK	
	Examiner	Art Unit	
	Stella L. Woo	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro et al. (US 4,760,593, hereinafter "Shapiro") in view of Schornack et al. (US 5,946,616, hereinafter "Schornack") and further in view of Roberts et al. (US 6,810,380 B1, hereinafter "Roberts").

Shapiro discloses a personal alarm system comprising:

a base unit (subscriber station 10);

a POTS telephone handset and telephone keypad (telephone 22 connected to subscriber 10; Figure 1); and

telephone circuitry operable to establish two-way telephone service over a twisted pair of POTS wiring (col. 5, lines 25-27).

Shapiro differs from claims 1-3, 5-6 in that it does not teach telephone circuitry to establish two-way wireless telephone service and control electronics to selectively switch between POTS service and wireless telephone service. However, Schornack (see Figure 5) teaches the desirability of adding cellular communication capability (via cellular phone interface 204) to a landline voice

telephone (telephone device; col. 2, lines 8-20) as well as control electronics for selectively switching (communication path switching circuit 406 connects telephone device 108 to a telephone line or the cellular interface; col. 12, lines 40-60) such that it would have been obvious to an artisan of ordinary skill to incorporate wireless two-way communication capability with selective switching, as taught by Schornack, within the alarm system of Shapiro so that an alarm call can be selectively placed over the POTS network or the cellular network.

The combination of Shapiro and Schornack differs from claims 1-3, 5-6 in that it does not teach a digital recording and voice recognition circuitry operable to activate the emergency communication system from a location remote from the base unit. However, Roberts teaches the desirability of automatically placing an emergency call by voice command (speaker-specific speech segment is recognized, such as "CALL 911" or "HELP", by comparing the speech segment with a previously recorded speech segment stored in memory 112; col. 4, lines 25-39; col. 6, lines 16-26) such that it would have been obvious to an artisan of ordinary skill to incorporate such speaker-specific voice activation, as taught by Roberts, within the combination of Shapiro and Schornack so that a user in need of emergency assistance and unable to reach the speakerphone base or unable to press the help button can place an emergency call simply by providing a voice command.

Regarding claim 2, in Shapiro, speakerphone 20 can be activated by a control signal transmitted from the central monitoring station 14 (col. 5, lines 41-54) or under the control of the subscriber station 10 (col. 5, lines 23-38).

Regarding claim 5, in Shapiro, a help button 18 is provided (col. 4, lines 24-33; col. 5, lines 13-15; col. 8, lines 34-40; col. 10, lines 33-40).

Regarding claim 6, Roberts teaches the well known use of an orientation sensor 160 which can determine whether a telephone device is in an upright position, a horizontal position, or a tilted position (col. 3, lines 33-45).

3. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Shapiro, Shornack and Roberts, as applied to claim 1 above, and further in view of Seazholtz et al. (US 5,333,173).

The combination of Shapiro, Shornack and Roberts differs from claims 7-8 in that it does not teach detecting a dead line condition of the handset and alerting the emergency service of the dead line condition (paragraph 38 of Applicant's specification describes a dead line condition as occurring when a telephone handset has been left off-hook for more than a few minutes).

However, Seazholtz teaches that it is well known to activate an emergency call when a telephone is left off-hook (with no voice) for a predesignated period of time (col. 3, lines 17-24) such that it would have been obvious to an artisan of ordinary skill to incorporate such off-hook/no voice event reporting, as taught by Seazholtz, within the combination of Shapiro, Shornack and Roberts so that

an emergency condition during which a handset has been left off-hook can be detected and reported.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Akhteruzzaman et al. (US 6,263,050 B1, hereinafter "Akhteruzzaman") in view of Menard et al. (US 6,671,351 B2, hereinafter "Menard").

Akhteruzzaman discloses a method for establishing emergency communication comprising the steps of:

providing a plain old telephone service (POTS) into a residence (via telephone line 152);

providing a wireless telephone service into the residence (via wireless phone 110); and

in the event of a dead line condition of said POTS service establishing a wireless telephone signal to an emergency service alerting the emergency service of the dead line condition of the POTS service (in the event of a "line cut" emergency, the wireless phone is programmed to place a call to a central monitoring service system to alert the monitoring system of the line cut emergency; col. 2, lines 20-29; col. 5, line 54 – col. 6, line 4).

Akhteruzzaman differs from claim 9 in that it does not describe two-way voice communication via said wireless telephone connection. However, Menard teaches the desirability of establishing a two-way voice communication between an operator and a monitored person for the purpose of verifying the emergency call, determining the urgency of the situation, etc., after having received an

emergency notification message (col. 11, lines 13-16). It would have been obvious to an artisan of ordinary skill at the time of invention to incorporate such two-way voice communication, as taught by Menard, within the method of Akhteruzzaman so that the operator at the monitoring service can confirm the emergency condition with the resident using the wireless link.

5. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shapiro, Shornack and Roberts, as applied to claim 1 above, and further in view of Briault (US 5,287,398).

The combination of Shapiro, Shornack and Roberts differs from claims 11-13 in that it does not teach circuitry to allow an incoming caller to force the system off hook and communicate with one or more residents via a speaker telephone. However, Briault teaches the desirability of incorporating circuitry which allows an authorized caller to force the system off hook via entry of a security pulse tone code to create a hands free telephone communication connection (col. 5, lines 22-29). It would have been obvious to an artisan of ordinary skill to incorporate such circuitry, as taught by Briault, within the combination of Shapiro, Shornack and Roberts so that the monitoring operator can communicate with a person in distress who is incapable of answering the telephone.

Response to Arguments

6. Applicant's arguments filed October 16, 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references of Shapiro and Roberts, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Shapiro and Roberts are directed to emergency communication in which various triggering events cause the device to automatically contact an emergency operator. It would have been obvious to an artisan of ordinary skill to incorporate a known emergency triggering event, such as the detection of "Call 911" or "HELP" taught by Roberts, within the personal alarm system of Shapiro in order to allow an individual in distress to verbally initiate an emergency call.

7. Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground of rejection.

Conclusion

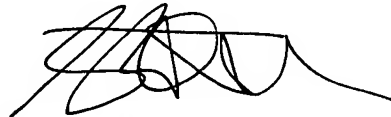
8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo
Primary Examiner
Art Unit 2614